

FILED

JAN 29 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

LIANG XIANG ET AL.,

Plaintiff,

v.

MERRICK B. GARLAND ET AL.,

Defendant.

Case No. 25-cv-00944-VKD

**SCHEDULING ORDER FOR
IMMIGRATION MANDAMUS CASE**

This action seeks a writ of mandamus regarding immigration benefits filed pursuant to the mandamus statute, 28 U.S.C. § 1361, and/or the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*, and is assigned to the Honorable Virginia K. DeMarchi.

Magistrate Judge Jurisdiction. This case has been randomly assigned to a magistrate judge, who, with written consent of all parties, may conduct all proceedings in a case, including all pretrial and trial proceedings, entry of judgment and post-trial motions, with appeal directly to the United States Court of Appeals for the Ninth Circuit. See “Consenting to the Jurisdiction of a Magistrate Judge” on the Court’s webpage at www.cand.uscourts.gov for more information.

Petitioner must complete and file the attached form “Consent or Declination to Magistrate Judge Jurisdiction” within 14 days of case initiation, and all other parties must file within 14 days of appearing in the case, or as otherwise ordered by the Clerk or magistrate judge.

Important briefing deadlines. Unless the court orders otherwise, counsel must comply with the briefing schedule below. Please note:

- Any party may request that the court set a case management conference, pursuant to Civil L.R. 16-10, according to the schedule in Civil L.R. 16-2. Federal Rule of Civil Procedure 26 and Civil L.R. 16-9 and 16-10 shall apply.
- Motions shall be noticed in accordance with Civil L.R. 7-2.
- A party may request that the court decide the matter on the briefs and without oral argument pursuant to Civil L.R. 7-1(b).

Case Management Event	Deadline
Last day for Defendant to file answer	60 days after service of complaint
Last day for Defendant to file motion for summary judgment (required unless Petitioner has already filed such a motion)	120 days of service of the complaint
Last day for Petitioner to file and serve opposition and/or counter-motion	30 days after service of Defendant's motion
Last day for Defendant to serve and file a reply and/or opposition	14 days of service of Plaintiff's opposition or counter-motion
Last day for Plaintiff to serve and file a reply (if Plaintiff filed a counter-motion)	14 days of service of Defendant's opposition.

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**CONSENT OR DECLINATION
TO MAGISTRATE JUDGE
JURISDICTION**

INSTRUCTIONS: Please indicate below by checking **one** of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline to magistrate judge jurisdiction in this matter. Sign this form below your selection.

☐ **CONSENT to Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

☐ **DECLINE Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE: _____

NAME: _____

Signature or "/s/"

COUNSEL FOR
(OR "PRO SE"):
